

EXHIBIT J

THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

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MOTION FOR
PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE GREGORY FRIZZELL

VOLUME I
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1 suit, as saying that Edmondson admits he lacks
2 evidence that poultry farmers have violated the laws
3 or caused pollution. If that were true, this
4 hearing would be very short, indeed, but I think
5 it's very apparent from spending an hour on pretrial
6 motions that this is not going to be a short
7 hearing.

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8 On the contrary, our evidence over the next
9 several days will be that these defendants are and
10 have been in violation of federal law limiting the
11 disposal of waste. Our evidence will show that
12 these defendants are and have been in violation of
13 black letter Oklahoma statutes providing that
14 land-applied poultry waste shall not enter the
15 waters of the state. Our evidence will show that
16 these defendants are and have been in violation of
17 black letter federal and Oklahoma law prohibiting
18 pollution and contamination of ground and surface
19 waters. Our evidence will show that these

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20 defendants are and have been in violation of
21 regulations requiring that surface application of
22 poultry waste be limited to the needs of the crops.
23 Most importantly, for the purpose of this hearing,
24 our evidence will show that these persistent and
25 pervasive violations of state and federal law have

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1 infested the rivers and springs and wells of the
2 Illinois River watershed with biologic pathogens
3 that have created an imminent and substantial threat
4 to human health.

5 Three years ago, Your Honor, the State of
6 Oklahoma filed suit against these defendants
7 alleging environmental damage to the Illinois River
8 watershed due to the excessive surface application
9 of poultry waste. This waste consisting of fecal
10 matter, bedding and water contains, among other
11 things, nitrogen and phosphorus and is an effective
12 fertilizer when properly used. We alleged then and
13 still maintain that the litter is being applied well
14 in excess of the agronomic needs of crops and that
15 the resulting runoff from fields has damaged the
16 waters of the basin, including Lake Tenkiller.

17 Trial of the case-in-chief is scheduled next
18 year. However, in the course of preparation for
19 that trial, we began to develop data concerning the
20 effects of this dumping on human health. We feel
21 that data is compelling, and because of the human
22 health implications, it could not wait until next
23 year. We, therefore, are seeking this injunction.
24 The legal framework for this hearing is not
25 complicated. It includes the elements for the

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